



ENTERPRISE PARK

2022-2023 SHASTA COUNTY GRAND JURY

SUMMARY

Activity by City of Redding (COR or City) crews and vehicles on a portion of Enterprise Park where various materials and debris have been discarded and stored for a number of years, prompted the Grand Jury to address the questions and concerns related to the COR and others' use of the Park as a dumping ground. Such discarded material included: mounds of ground asphalt, tree stumps, tree rounds, wood chips and cut brush, piles of scrap lumber, discarded vehicle tires and seemingly perpetual puddling or pooling of unidentified liquid substances. The concerns implicated by the conditions at the Park include safety, fire risk, and environmental contamination. Could the unidentified liquid sludge be toxic or contaminated? Are toxins or contaminants

Photo by Shasta County Grand Jury

polluting the ground and nearby Churn Creek? Are the numerous mounds of debris combustible and if so, do they constitute a fire hazard when stored on park grounds? Is the City developing a landfill at this site; if so, is it legal? The Grand Jury deemed that these and additional questions warranted investigation. As further described in this report, the COR has taken action and made considerable progress to address the foregoing concerns for which it is to be commended. Additionally, this Report makes recommendations to further address the conditions at the Park.



Photo by Grand Jury 8/24/22



Photo by Grand Jury 8/10/22

BACKGROUND

A complaint of loud, disruptive activity on the lower tier of Enterprise Park was submitted to the Grand Jury. This area is not generally open to or used by the public for recreation or other purposes. An unidentified liquid sludge and debris was being deposited by large, clamorous Vac-Con trucks. Often accompanying the Vac-Con vehicles were additional COR trucks and crew members whose radios and conversations were loud enough that they could be heard by individuals nearby. Photographs of the area depict pooling liquid, mounds of large tree stumps and rounds, asphalt pieces, wood chips and miscellaneous debris and litter. Safety, legality of the use of the Park, and occasional nocturnal activity of the Vac-Con vehicles were also concerns. In particular, these concerns arise out of stockpiling assorted debris characteristic of a landfill operation and the possibility of toxic substances exposing nearby children at play and such substances leeching into Churn Creek.



Photo by Grand Jury 8/24/22



Photo by Grand Jury 8/24/22

The lower tier is the section of Enterprise Park that is the focus of this report. Enterprise Park is comprised of three areas or tiers:

1. The play fields, located adjacent to Victor Avenue, is the upper tier.
2. The Kids' Kingdom play area, located below the level of Victor Avenue, is the middle tier.
3. The former Enterprise Public Utility District (EPUD) wastewater holding ponds and the Community Gardens comprise the lower tier of the Park, which is the focus on this report.

The entire area of the Park ceased being the property of the EPUD in July of 1976 when it was annexed by the City.

The Grand Jury conducted a site visit. Given the proximity of the subject area to the public areas of Kids' Kingdom and the Community Gardens and to Churn Creek, which flows adjacent to the lower tier, this jury deemed the concerns warranted further study.

METHODOLOGY

The grand jury used the following methods of research:

- Interviews of personnel from the City of Redding (COR);
- Site visits and photos taken of the Park area; and
- Review of the documents listed at the end of this report.

DISCUSSION



Photo by Grand Jury 8/6/22

Access to the park's lower tier is a dirt road that descends from the Kids' Kingdom level to the community gardens and traverses the length of the lower tier. The reported dumping site lies at the north end of this lower level and, without a key to unlock the COR gate, can only be accessed on foot. During the site visit on April 27, 2022, the jury observed discarded scrap lumber, broken pieces and slabs of concrete and mounds of ground asphalt. Conjuring thoughts of potential fire were the piles of wood chips and multiple mounds of felled tree stumps and rounds. Additionally, there were miscellaneous other items discarded at the Park, including a used mattress, vehicle tires and several unearthed bollards, their concrete anchors still clinging to their base, suggestive of an active landfill; however, the Park is not officially designated or approved for use as a landfill.

The area designated for the discharges from the Vac-Con trucks, denoted by two posted signs reading "Vac-Con Dump Only," lies lower than the level of the road. It is defined by an earthen berm of approximately six feet in height. At the time of the jury's visit, there were puddles of unknown liquid on the ground in the designated dump area.



Photos by Grand Jury 4/24/22

A chain link fence borders the area of the park's lower tier. West of the discharge site, damage to the fencing has torn an opening of 8-10 feet. This creates the possibility of unauthorized access to the area from the adjacent Churn Creek.

Multiple interviews of COR personnel disclosed that several divisions within the department of public works use the site as a storage area for materials obtained during their routine operations. Most material is eventually recycled and is only temporarily stored at the site. Tree stumps and rounds are passed through a chipper and the resulting wood chips used for COR landscaping. The ground asphalt is reused as base material for street and pipeline repair. A good example of the asphalt reuse is the access to the proposed 3D house.

The large Vac-Con trucks, utilizing high-pressure water and suction, are used by COR at various public projects throughout the City of Redding to both excavate and extract soil and base material on projects involving work in a right of way or surrounding an underground pipeline. The substance extracted by the Vac-Con truck is contained and transported to the lower tier of the park where it is discharged onto the designated area. Frequently the Vac-Con trucks are utilized in laying or repairing water, drainage or sewage pipes. Water, base and soil comprise the substance being discharged. The frequency of this discharge can be multiple times a day and can occur at any hour of the day or night as the need for repair dictates. Since the discharged substance deposited at the Park by the Vac-Con trucks generally consists of soil and base materials obtained from COR rights of way projects or surrounding an underground pipeline, the substance is not tested for contaminants. The COR work crews do not operate on any privately owned property or areas that are not part of a City right of way or similar public area.

Those items apparently not associated with any City operations—the discarded lumber, tires and household debris—are believed to be unauthorized disposals by unidentified parties. The locked gate is often left unlocked and open. The open gate and the large damaged area of the west-facing fencing provide an opportunity for individuals to gain access to the site. The City does not have an inventory of the numerous gate keys that have been provided to COR personnel and City subcontractors over the years of operations there.

There is no written management plan or City oversight relevant to dumping of materials in the lower area of the Park. The City has no record of how much material is being stored at the site, how long items have been stored there, or how long the site has been used in this manner. The City's use of the Park is due to the convenience of its location versus the more distant landfill locations.

City Clerk records indicate the EPUD was annexed by the City in 1976. There are no records of precisely when the old EPUD wastewater ponds ceased serving area homes. The absence of any mention of the ponds in the City's 1987 master plan indicates the ponds were out of service by that time, when utilization of the area as a dumping/storage site may have begun.

Does such use of the area constitute an illegal landfill operation? Research of relevant sections of the California Code of Regulations (CCR) describing conditions and limitations of a landfill operation revealed the operations engaged by the COR at this site do not constitute a landfill; however, this Grand Jury did not find that the COR's use of the Park is prohibited or illegal.

In addition, through this investigation, the Grand Jury was able to determine that the City's Fire Department is aware of and monitors the Park and the presence of the materials stored at the Park does not constitute an unmitigated fire risk. In addition, there was no information of which the Grand Jury is aware that the area has been contaminated or polluted by the COR's activities. Moreover, the COR is in the process of developing a plan for improved management of the Park and to keep it maintained in a more clean, organized manner.

A second site visit conducted on October 17, 2022, revealed that a relocation of the materials observed during the April visit had occurred. The piles of dead wood had been dispersed into smaller mounds, some even deposited into a large dumpster that has appeared at the site since April. All materials had been moved to the northern end of the lower tier. This has cleared a wide area free of grasses or obstacles that would inhibit the operations of the Vac-Con vehicles in their maneuvering to discharge their tanks.

A COR representative has provided the Jury a draft copy of the Site Management Plan for the Enterprise Park Disposal Area. Review of the proposed plan reveals all of the Grand Jury's findings have been anticipated and addressed. The proposed plan provides for overseeing of the area to include, but is not limited to, recording the quantity and type of material being disposed there; the annual removal and clearing of stored material on the area; monthly inspections of the area and replacement of the lock on the gate with documentation of who accesses the gate.

During recent site visits by the Jury, the area has been observed to be clear of all previously observed materials, confirming some aspects of the proposed plan have already been employed.



Photo by Grand Jury 08-23-22



Photo by Grand Jury 12-11-22

FINDINGS

- F1 The COR has utilized the lower level of Enterprise Park as a dumping area for assorted types of debris without any management plan or direct oversight by the City.
- F2 There has been no accounting or documentation of the type of disposed materials nor their quantity by the City. .
- F3 Some of the disposed materials have been dumped at the Park by the COR and some others have been impermissibly dumped by unknown individuals without consent or permission from the City.
- F4 The City has failed to secure the area in a manner sufficient to prevent or deter dumping of materials and debris at the Park by unknown individuals.
- F5 Various materials and debris remains stored at the lower tier of the Park, although the size and quantity of the materials and debris has decreased over the last year.
- F6 The City intends to continue utilizing the lower tier of the Park as a location to dump substance and materials excavated from city project sites. The City's use of the Park for this purpose is not prohibited by local rules or law.

COMMENDATIONS

- C1 The COR Parks Department recycles material whenever possible, saving the City time and money.
- C2 The COR is commended for making significant progress over the past year in removing, recycling, and discarding materials and substances previously dumped or discarded at the lower tier of the Park.
- C3 The COR is commended for creating a draft of a Site Management Plan Enterprise Park Disposal Area addressing issues raised by the investigation of the Grand Jury.

RECOMMENDATIONS

- R1 COR Public Works Department and Parks & Recreation Department, in collaboration, will develop a management plan for all levels (tiers) of the Enterprise Park by Nov 1, 2023, including plans and measures to eliminate, prevent, or mitigate illegal dumping.
- R2 By November 1, 2023, COR Public Works Department and Parks & Recreation Department shall develop an accounting system to track content and quantity of material deposited on Enterprise Park
- R3 COR Public Works Department and Parks & Recreation Department, in collaboration, will develop a plan by November 1, 2023 to recycle, remove, or otherwise properly dispose of materials dumped or discarded at the Park.
- R4 COR Public Works Department and Parks & Recreation Department, in collaboration, will replace the locks on the gates to the lower level by November 1, 2023, and will keep a key inventory of City staff allowed access to the area.

INVITED RESPONSES

From the following governmental officials requested within 60 days:

City of Redding Director of Community Services/Parks and Recreation

F1, F2, F3, F4 and R1, R2, R3, R4, R5, R6

City of Redding Director of Public Works

F1, F2, F3, F4 and R1, R2, R3, R4, R5, R6

DISCLAIMERS:

Reports issued by a grand jury do not identify individuals interviewed. Penal Code §929 requires that reports of a grand jury not contain the names of any person or facts leading to the identity of any persons who provide information to a grand jury.

When there is a perception of a conflict of interest involving a member of the Grand Jury, that member has been required to recuse from any aspect of the investigation involving such a conflict and from voting on the acceptance of or rejection of that report. No member/s of the Grand Jury recused from this report.

REVIEWED DOCUMENTS:

- California Code of Regulations Title 14, Division 7, Chapter 3, Article 5 and 5.9-Construction and Demolition and Inert Debris Transfer/Processing Regulatory Requirements (§17383)
- COR Geographic Information System (GIS) aerial photos: 2004, 2010, 2016, 2020
- Shasta County zoning map of Enterprise Park and surrounding area, parcel numbers: 06820003, 068280004, 06820005, 068290004
- COR Clerk's Office records of EPUD annexation
- COR Public Works Cartegraph sample entries

GLOSSARY

COR: City of Redding

EPUD: Enterprise Public Utilities District.

Vac-Con: Is a large truck or trailer mounted vacuum that can suck up water and debris (dirt and gravel) from an excavation site. The evacuated water and debris can be deposited elsewhere.